

UNAPPROVED MINUTES

**BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy met on Friday, November 7, 2008 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Conference Room #1, Richmond, Virginia. The following members were present:

George Maihafer, Ph.D, P.T.
Maureen E. Lyons, P.T.
Peggy H. Belmont, P.T.
Damien Howell, P.T.
Robert Izzo, P.T.
Lorraine C. Quinn, P.T.A.

DHP staff present for the meeting included:

Lisa R. Hahn, Executive Director
Emily Wingfield, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Licensure Operations Manager
Denise Christian, Administrative Assistant

Representatives from the Office of the Attorney General were present for the meeting:

Eric Gregory, Assistant Attorney General II

CALLED TO ORDER

Dr. Maihafer, Chair, called the board meeting to order at 9:35 a.m.

ORDERING OF THE AGENDA

The FSBPT Delegate report was added to the agenda under New Business.

PUBLIC COMMENT PERIOD

There was no public comment.

ACCEPTANCE OF MINUTES

Board Meeting – August 22, 2008

Upon a motion by Mr. Howell and seconded by Ms. Belmont, the Board voted to approve the August 22, 2008 Board Meeting minutes.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

Public Hearing Minutes – August 22, 2008

Upon a motion by Mr. Howell and seconded by Mr. Izzo, the Board voted to approve the August 22, 2008 Public Hearing minutes.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

AGENCY DIRECTOR'S REPORT – Emily Wingfield

Ms. Wingfield addressed the budget shortfall. She stated that our cost to VITA has increased approximately 600% and this has affected all boards. She stated that no agency lay-offs are planned; however, each board is encouraged to manage their budgets carefully. Ms. Wingfield stated the agency will not receive the 2% cost-of-living increase as scheduled. Additionally, she reported there will be future changes to the Health Practitioners Program; however, the agency is reviewing ways to limit the cost.

EXECUTIVE DIRECTOR'S REPORT

Ms. Hahn introduced Denise Christian, administrative assistant, to the board. She reported that Ms. Christian processes all licensing applications for the Board of Physical Therapy. She further stated that Ms. Artis oversees the entire licensing process for physical therapy and the other three boards.

Licensee Statistics

Direct Access Certification

Ms. Hahn stated there are currently 189 physical therapists licensed with direct access certification.

Licensed Physical Therapists

Ms. Hahn reported there are currently 5,399 active licensed physical therapists and 2,079 physical therapist assistants.

Disciplinary Statistics

Ms. Hahn reported there are currently 3 cases at the administrative proceedings level. She stated there are currently 17 open cases and 28 cases have been closed. There is 1 case at the investigative level. Ms. Hahn further stated there are currently 4 open cases.

Virginia Performs

Ms. Hahn stated that for the quarter ending December 31, 2007, that the board met and exceeded the agency's goal with 100% rating for issuing licenses in less than 30 days. She stated the customer satisfaction rating two year goal is 97%; we are currently at 94%. Ms. Hahn further stated that the patient care cases closed within 250 days goal is at 80%.

Budget

Revenue and Expenditures

Ms. Hahn reported that she has not received any new revenue and expenditure reports from Finance. The last one received was for the FY end that she reported during the last board meeting.

2008 Calendar

Ms. Hahn stated the next board meeting is scheduled for April 3, 2009. Subsequent meetings are scheduled for July 10, 2009 and November 6, 2009. Ms. Hahn further stated she has scheduled board meetings for all 4 boards in such a way that only one board meeting will be held each month.

Practice Review Tool (PRT)

Ms. Hahn reported that she spoke with Susan Layton of the Federation of State Boards of Physical Therapy (FSBPT) in regards to the practice review tool in determining credit for CEUs. She stated that North Carolina addressed this in their proposed regulations and will credit their licensees with 10 hours of CEUs for using the practice review tool. Licensees will receive 5 hours if they send the tool back and 5 hours will be rewarded if they pass the competency portion. Arizona will also be awarding 10 hours for the PRT. Ms. Hahn stated it may be helpful to have Ms. Layton come to the April board meeting to discuss the PRT with the board.

NEW BUSINESS

Board to Consider Comments on Proposed Regulations and Draft Response

Ms. Yeatts suggested that the board review the comments in conjunction with the proposed regulations.

The Virginia Physical Therapy Association (VPTA) recommended that the board redefine discharge as follows:

“Discharge” means the discontinuation of interventions in a episode of care which has been provided in an unbroken sequence in a single practice setting and related to the physical therapy interventions for a given condition or problem.

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to accept the definition of discharge as recommended by the Virginia Physical Therapy Association.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

The Virginia Physical Therapy Association (VPTA) recommended that the board in reference to 18VAC112-20-10, under the term “Evaluation” include “or screening” after “an examination”.

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to accept the recommendation by VPTA to modify the term evaluation.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

Upon a motion by Ms. Lyons and properly seconded by Mr. Howell, the Board voted to amend 18VAC112-20-90(2) to strike “prior to patient discharge”.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

The Board discussed amending 18VAC112-20-90(3) as follows:

3. The documented status of the patient at the time of discharge of the patient- including the response to therapeutic intervention at the time of discharge.

Upon a motion by Mr. Howell and properly seconded by Ms. Belmont, the Board voted to amend 18VAC112-20-90(3) as stated above.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

The Board discussed amending 18VAC112-20-140 as follows:

The ~~480 hours~~ of traineeship (i) shall be in a facility that (+) serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) is approved by the board, and (iii) is under the direction and supervision of a licensed physical therapist.

Upon a motion by Mr. Howell and seconded by Mr. Izzo, the Board voted to amend 18VAC112-20-140 as stated above.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

Adoption of Final Regulations

Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the Board voted to adopt as amended, the proposed regulations as the final regulations.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

Upon a motion by Ms. Belmont and properly seconded by Mr. Locke, the Board voted to submit a list of regulatory issues to the Legislative/Regulatory Committee for further discussion.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

Regulatory Issues to Be Forwarded to the Legislative/Regulatory Committee

- Recommendation to appeal Section 18VAC112-20-70 regarding traineeships, as the graduate may now sit for the examination without delay and the traineeship no longer serves a purpose. If traineeships are retained, the following are recommended:
 1. The number of supervisors of the unlicensed graduate trainee be limited to one.
 2. The designation of the unlicensed graduate trainee be “PT Trainee” for the physical therapist graduate and “PTA Trainee” for the unlicensed PTA graduate. This designation as “trainee” has significant billing/insurance implications.
 3. State that all patient progress notes must be countersigned by the trainee’s supervisor. This includes computerized/electronic patient care notes. There must be documentation that the trainee is being supervised.
- 18VAC112-20-50 item D requires a 1,000 hour full-time traineeship; VPTA requests deletion of the words “full-time” as many individuals may not have the option or opportunity to work full-time in a traineeship – the individuals should be able to complete the required number of hours in a part-time format if needed.
- VPTA recommends a 480-hour traineeship with an option for an extension to a greater number of hours, or an additional traineeship for 480 hours, if deemed necessary by the supervising physical therapist.
- Consider allowing the PTA traineeship to be a fewer number of hours than the PT traineeship, since PTA education programs are shorter than PT education programs, and the scope of services provided by the PTA is less than that provided by a PT.
- VPTA recommends deletion of 18VAC112-20-70, which entitles traineeships for unlicensed graduates scheduled to sit for the national examination.
- Elimination of “face-to-face” home study courses, online or audio courses offered by the approving organizations be counted for Type I courses in requirements for CE.
- Related to Section 18VAC112-20-140, VPTA is supportive of pursuing further the recent discussion at the PT Board meeting about utilizing the new FSBPT competency testing as a mechanism for determining competence of the inactive licensee who wishes to return to practice in lieu of a traineeship. This would support the concern from a recent survey of those previously licensed who wished to return to practice but found the requirement for the traineeship to be a barrier. If this is not possible at this time we also provide the following to eliminate the hour requirement and allow the supervisor to determine successful completion. This would provide an assessment mechanism for the supervising PT to provide

input to the Board about the performance of the trainee in the clinical setting. The current APTA CIP performance instrument could be utilized for this purpose. This could also be utilized to determine if an additional traineeship was necessary if you chose to reduce the hours noted in the previous section from 1,000 to 480 for graduates of unapproved programs.

Periodic Review

Direct Access

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to adopt the proposed Direct Access regulations.

The members voting yes were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. There were no negative votes.

The vote passed unanimously.

Ms. Yeatts stated the emergency regulations for direct access will be in effect until April, 2009.

FSBPT 2008 Annual Meeting

Ms. Lyons gave a brief report of the Federation of State Board of Physical Therapy (FSBPT) annual meeting that was held in Minneapolis, MN from September 11-15, 2008.

New Board Member Training

Mr. Locke reported that he attended the new board member training sponsored by the agency. He stated he found the training to be very informational and beneficial. Mr. Locke commended the agency for providing such a resourceful manual in addition to the training.

ADJOURNMENT

With all business concluded, upon a motion by Mr. Howell and seconded by Mr. Izzo the meeting was adjourned at 11:40 a.m.

George Maihafer, Ph.D., PT, Chair

Lisa R. Hahn, Executive Director

Date

Date

DRAFT